



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

JUN 08 2009

OFFICE OF
AIR, WASTE AND TOXICS

FILE COPY

Mr. William Ernst
Company Energy & Environmental Affairs
The Boeing Company
P.O. Box 3707
MC 1W-12
Seattle, Washington 98124-2207

Re: Section 10.3 Request regarding *Phase 3 Interim Measure Work Plan; Removal and Stabilization of PCB-containing Caulk in Concrete Pavements*
Boeing Plant 2, Seattle/Tukwila, Washington
RCRA Docket No. 1092-01-22-3008(h)
EPA ID No. WAD 00925 6819

Dear Mr. Ernst:

On June 1, 2009, the U.S. Environmental Protection Agency Region 10 (EPA) received Boeing's request for a meeting pursuant to Section 10.3 of the Order regarding the *Phase 3 Interim Measure Work Plan; Removal and Stabilization of PCB-containing Caulk in Concrete Pavements* (work plan). EPA issued comments regarding this work plan on May 15, 2009.

It appears that Boeing invoked Section 10.3, the informal dispute resolution provision of the Order, in order to inform EPA that it has concluded that removal of PCB-containing caulk, rather than stabilization, may be performed effectively at a reasonable cost. The only change proposed to the work plan is to limit the revised plan to removal of caulk products containing PCB concentrations greater than 25 parts per million. Your letter states that the remainder of EPA's comments will be addressed as requested in a revised work plan.

Your letter requesting a meeting also indicates that Boeing believes a meeting may not be required, and requests that I contact you at my earliest convenience so that this important work can proceed. Invocation of Section 10.3 delays the due date for the work plan to 30 days following the meeting to discuss the disputed comments, rather than 30 days from your receipt of EPA's original comments.

When Boeing is not actually disputing EPA's comments, invocation of Section 10.3 is neither appropriate nor efficient. If additional time is needed to prepare the work plan due to a change in strategy, Boeing may request an extension of time pursuant to Section 25.3 of the Order. EPA agrees with your statement that a meeting is not necessary. The due date for the revised work plan remains June 20, 2009.

FILE COPY

USEPA RCRA




3017403



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Should you have questions or comments, please contact me by phone at 206-553-8506 or by email at brown.christy@epa.gov.

Sincerely,



Christy Brown
Project Coordinator
Office of Air, Waste and Toxics

cc: Glen St. Amant, Muckleshoot Tribe
Allison O'Sullivan, Suquamish Tribe
Marla Steinhoff, NOAA
Hideo Fujita, Ecology - NWRO
Brad Helland, Ecology - NWRO
Thea Levkovitz, DRCC

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Mr. William Ernst
Company Energy & Environmental Affairs
The Boeing Company
P.O. Box 3707
MC 1W-12
Seattle, WA 98124-2207

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Mr. William Ernst
Company Energy & Environmental Affairs
The Boeing Company
P.O. Box 3707
MC 1W-12
Seattle, WA 98124-2207

2. Article Number

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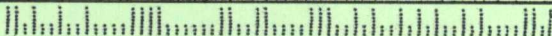
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1200 6th Avenue, Suite 900
Mailstop: AWT-122
Seattle, WA 98101
Attn: Matthew Magorrian



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6/3/09

TO: (Name, office symbol, room number, building, Agency/ Post)

Initials

Date

1. ~~Peter, H. Lee~~ } concurrence

2. Ordine

CO

6/4

3. Kristy Brown - signature

4. Matt Magorrian

Action	File	Note and Return
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As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Boeing Not a dispute letter
Thanks for fast turnaround!

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FROM: (Name, org. symbol, Agency/ Post)

Room No. — Bldg.

Kristy Blair

Phone No.

8506

5041-103

OPTIONAL FORM 41 (Rev. 1-94)

Prescribed by GSA

UNICOR FPI - SST

Bcc: Kris Flint, ECL
 Charles Ordine, ORC
 Bernie Zavala, OEA
 Julius Nwosu, OEA
 Laura Castrilli, AWT
 Suzanne Skadowski, ETPA
 Christy Brown, AWT

CONCURRENCES:

INITIALS	<i>cab</i>		<i>co</i>	POLICY FILE		RCRIS INFO SUBMITTED	
NAME	BROWN	ZAVALA	ORDINE	YES	<input checked="" type="radio"/> NO	YES	<input checked="" type="radio"/> NO
DATE	<i>6/3/09</i>		<i>6/4/09</i>			ATTACHED	

PEER REVIEW:

INITIALS		<i>HE</i>				<i>CF</i>
NAME	CASTRILLI	HEDEEN		MEYER	PALUMBO	FISHER
DATE		<i>6/4/09</i>				<i>6/4/09</i>

6/09
 WAD 6819
 File 10a

ACTION/ROUTING INSTRUCTIONS

1. **AUTHOR** Christy Brown
File Location/Name: WAD 6819/Boeing Plant 2/10a

2. **SECRETARY/ADMIN REVIEW:** Matt Magorrian

3. **SIGNER:** Christy Brown

4. **ADDRESSEE:** William Ernst, The Boeing Company

CC(s): Glen St. Amant

Senior Sediment Specialist
 Muckleshoot Indian Tribe
 39015 172nd Ave SE
 Auburn, WA 98092

Allison O'Sullivan

Suquamish Tribe
 P.O. Box 498
 Suquamish, WA 98392

Marla Steinhoff

Regional Resource Coordinator
 Assessment and Restoration Division

NOAA Office of Response and Restoration
 7600 Sand Point Way NE, Building 1 (DARP)
 Seattle, WA 98115

Hideo Fujita

Department of Ecology, NWRO
 3190 - 160th Ave, SE
 Bellevue, WA 98008-5452

Brad Helland

Department of Ecology, NWRO
 3190 - 160th Ave, SE
 Bellevue, WA 98008-5452

Thea Lekvovitz

Duwamish River Cleanup Coalition
 1620 18th Ave, Suite #10
 Seattle, WA 98122

BCC(s):

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6/3/09

TO: (Name, office symbol, room number, building, Agency/ Post)

Initials

Date

1. ~~Cashitti/Hedden~~

2. ~~Zavala~~

Concurrence

3. Ordine

CO

6/4

4. ~~Christy/Brown~~ Signature

5. Matt Magorian

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Additional work end-of-dispute letter

Boeing.
Thanks for

Original was
sent in same
envelope as
Phase 3 work plan

DO NOT use this f

FROM: (Name, org. sy

ldg.

Christy

ROUTING AND TRANSMITTAL SLIP

Date

6/3/09

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Initials

Date

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Concurrence

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4. Christy Brown Signature

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REMARKS

Additional work end-of-dispute letter

Boeing.

Thanks for fast turnaround!

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FROM: (Name, org. symbol, Agency/ Post)

Room No. — Bldg.

Christy Brown

Phone No.

8306

5041-103

OPTIONAL FORM 41 (Rev. 1-94)

Prescribed by GSA

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

WAD 6819
6/8/09
8a

JUN 08 2009

OFFICE OF
AIR, WASTE AND TOXICS

Mr. William Ernst
Company Energy & Environmental Affairs
The Boeing Company
P.O. Box 3707
MC 1W-12
Seattle, Washington 98124-2207

Re: Determination of Need for Additional Work, Duwamish Sediment Other Area
Boeing Plant 2, Seattle/Tukwila, Washington
RCRA Docket No. 1092-01-22-3008(h)
EPA ID No. WAD 00925 6819

Dear Mr. Ernst:

On March 26, 2009, The Boeing Company (Boeing) requested a meeting with the U.S. Environmental Protection Agency Region 10 (EPA) to discuss EPA's March 16, 2009 request for additional work in the Duwamish Sediment Other Area (DSOA). This meeting was requested pursuant to Section 10.10 of the Order. Specifically, Boeing wished to discuss whether the requested solvent sampling is necessary.

This letter confirms that EPA and Boeing met on April 23, 2009 and June 2, 2009. At the conclusion of the June 2 meeting, there was discussion of further email exchange between Boeing and EPA regarding possible sampling locations. This exchange indicates that we have resolved the disputed issue.

As we discussed, EPA remains convinced that additional work to delineate the source, nature, and extent of solvent contaminants is needed. Boeing must file a Notice of Dispute under Section 17 of the Order within fifteen- (15) days after receipt of this letter, or submit a Work Plan for Additional Work within thirty- (30) calendar days. In order to expedite development and approval of an acceptable sampling plan, EPA trusts we can continue the dialogue regarding placement of sampling locations in advance of Boeing's submittal of the Work Plan.

Should you have questions or comments, please contact me at 206-553-8506 or brown.christy@epa.gov.

Sincerely,

Christy Brown
Project Coordinator
Office of Air, Waste and Toxics

cc: Glen St. Amant, Muckleshoot Tribe
Allison O'Sullivan, Suquamish Tribe
Marla Steinhoff, NOAA
Hideo Fujita, Ecology - NWRO
Brad Helland, Ecology - NWRO
Thea Levkovitz, DRCC

Bcc: Kris Flint, ECL
 Charles Ordine, ORC
 Bernie Zavala, OEA
 Julius Nwosu, OEA
 Laura Castrilli, AWT
 Suzanne Skadowski, ETPA
 Christy Brown, AWT

CONCURRENCES:

INITIALS	<u>cab</u>	<u>BZ</u>	<u>CO</u>		POLICY FILE		RCRIS INFO SUBMITTED	
NAME	BROWN	ZAVALA	ORDINE	MAGORRIAN	YES	<u>NO</u>	YES	<u>NO</u>
DATE	<u>6-3-09</u>	<u>6/04/09</u>	<u>6/4/09</u>				ATTACHED	

PEER REVIEW:

INITIALS		<u>ham</u>				<u>CF</u>
NAME	CASTRILLI	HEDEEN		MEYER	PALUMBO	FISHER
DATE		<u>6/04/09</u>				<u>6/4/09</u>

6/09
 WAD 6819
 File 8a

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1. **AUTHOR** Christy Brown
File Location/Name: WAD 6819/Boeing Plant 2/8a
2. **SECRETARY/ADMIN REVIEW:**
3. **SIGNER:** Christy Brown
4. **ADDRESSEE:** William Ernst, The Boeing Company

CC(s): Glen St. Amant
 Senior Sediment Specialist
 Muckleshoot Indian Tribe
 39015 172nd Ave SE
 Auburn, WA 98092

Allison O'Sullivan
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 Suquamish, WA 98392

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THANKS!